

E-FILED on 11/11/2011

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITE HERE! LOCAL 19,
Plaintiff,

v.

SUTTER'S PLACE, INC., dba BAY 101,
Defendant.

No. C 11-02608 RMW

ORDER GRANTING ATTORNEYS' FEES

[Re Docket Nos. 7, 9, 34]

On August 26, 2011, the court granted plaintiff Unite Here! Local 19's ("Local 19") motion to confirm the arbitration award and compel arbitration of disputed issues and for reasonable attorneys' fees incurred in bringing the issue regarding implementation of the award before the arbitrator. The court requested that Local 19 revise its fee request to provide information regarding the specific services rendered, the dates on which they were rendered, and the hourly rates charged so that the court could determine whether the amount requested is reasonable and limited to the petition before this court. Although defendant continues to object that Local 19 has not provided detailed time records, the court find that the Exhibit D has provided the requisite clarity.

Defendant also objects that plaintiff has not provided adequate justification for the hourly rates requested, and in particular has not justified the requested hourly rate of \$395 for Jannah Manansala, a fourth year associate who generated the vast majority of fees in this case. Plaintiff

1 asserts that hourly rate is within the range of rates for attorneys and paralegals with comparable
2 experience in labor and employment litigation and to a previous state court determination that \$285
3 was a reasonable hourly rate for Ms. Manansala in 2009. Plaintiff also cites the *Laffey* Matrix to
4 support the requested hourly rate. Defendant is correct that the court must use the rate prevailing in
5 the community for similar work performed by attorneys of comparable skill, experience, and
6 reputation, and not the *Laffey* Matrix. See *Perez v. Cozen & O'Connor Group Long Term Disability*
7 *Coverage*, 2007 WL 2142292, at *2 (S.D. Cal. 2007). The court finds that a reasonable hourly rate
8 for Ms. Manasala is \$350. The other requested rates are reasonable.

9 Defendant also objects to a number of specific time entries, including time spent to meet and
10 confer regarding service of the petition, time spent reviewing local rules, time spent on an
11 administrative motion to determine if case should be related, travel time, and time for submitting the
12 clarifying declaration concerning fees and costs. The court will not reduce the fee award based on
13 these objections because the time spent appears have been reasonable.

14 For the foregoing reasons, the court award Local 19 \$18,610 in attorneys' fees.

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19 DATED: 11/11/2011


RONALD M. WHYTE
United States District Judge